

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARKUS KLINKO,

Plaintiff,

-against-

MICHAEL BALL a/k/a MICHAEL F. BALL,

Defendant.

Case No. 07 CV 11362 (VM) (HP)

(Oral Argument Requested)

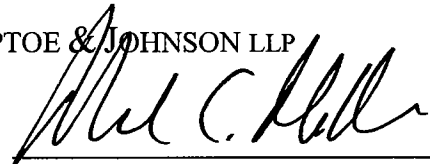
**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the annexed Affidavit of Michael Ball, sworn to on December 21, 2007, Request for Judicial Notice, Memorandum of Law, and all prior pleadings and proceedings herein, defendant Michael Ball ("Mr. Ball"), by his counsel, Steptoe & Johnson LLP, will move this Court before the Honorable Victor Marrero, at the United States Courthouse, 500 Pearl Street, New York, New York on January 11, 2008 at 9:00 a.m., or as soon thereafter as counsel may be heard, for an order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint of plaintiff Markus Klinko, or in the alternative, transferring the case to the Central District of California pursuant to 28 U.S.C. § 1404(a), together with such other and further relief as this Court deems just and proper.

Dated: New York, New York  
December 26, 2007

STEPTOE & JOHNSON LLP

By:



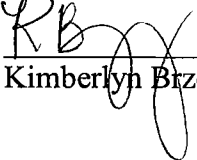
Michael C. Miller (MM 4632)  
Evan Glassman (EG 9493)  
Lenor C. Marquis (LM 4597)  
750 Seventh Avenue  
Suite 1900  
New York, NY 10019  
(212) 506-3900

*Attorneys for Defendant  
Michael Ball*

*Of Counsel:*  
Michael R. Heimbold  
Dylan Ruga  
STEPTOE & JOHNSON LLP  
2121 Avenue of the Stars  
Suite 2800  
Los Angeles, CA 90067  
(310) 734-3200

**CERTIFICATE OF SERVICE**

I do hereby certify that on this 26<sup>th</sup> day of December, 2007, I served a copy of the foregoing **Notice of Motion** on counsel for Plaintiff in the above-captioned matter via electronic mail and Federal Express.

  
\_\_\_\_\_  
Kimberlyn Brzozowski

Anthony A. LoPresti, Esq.  
Meltzer LoPresti, LLP  
30 Broad Street, 37<sup>th</sup> Floor  
New York, New York 10004